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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

060256-0277099

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Signature _____

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Application Number

09/763,946

Filed

Feb. 28, 2001

First Named Inventor

HOLMA, Harri

Art Unit

2664

Examiner

Shah, Chirag G.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 41,844

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Christine H. McCarthy

Typed or printed name

703-905-2143

Telephone number

08-23-2005

Date

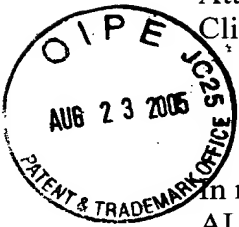
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 1 forms are submitted.

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Attorney Docket: 060256-0277099
Client Reference: T299035US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: HOLMA ET AL. Confirmation Number: 3929
Application No.: 09/763,946 Group Art Unit: 2664

Filed: February 28, 2001

Examiner: Shah, Chirag G.

Title: METHOD OF IDENTIFYING INFORMATION ADDRESSED TO A USER IN A COMMUNICATION SYSTEM, AND A COMMUNICATION SYSTEM

ATTACHMENT SHEETS TO PRE-APPEAL BRIEF CONFERENCE REQUEST

Mail Stop AF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby request that a panel of examiners formally review the legal and factual basis of the rejections in the above-identified application prior to the filing of an appeal brief. Appellants assert that the outstanding rejections (now on appeal by virtue of the concurrently filed Notice of Appeal) are clearly improper based both upon errors in facts and the omission of essential elements required to establish a prima facie rejection (i.e., the prior art references fail to disclose, teach or suggest all the recited claim features).

APPEALED REJECTION

Appellants are appealing the rejection of claims 33, 38, 43, 46, 51, 52, 60, 63, and 63-71 under 35 U.S.C. 102(e) as being anticipated by Haartsen (U.S. 5,953,323), the rejection of claims 36-42, 45, 53-59 and 62 under 35 U.S.C. 103(a) as being unpatentable over Haartsen in view of Leung et al. (U.S. 6,262,980; hereafter "Leung") and the rejection of claims 44, 47-50, 61 and 64-67 under 35 U.S.C. 103(a) as being unpatentable over Haartsen in view of Mousley (U.S. 6,407,993).

ARGUMENTS FOR TRAVERSAL

The appealed rejections are improper because a prima facie case of obviousness has not been established as the relied upon references fail to disclose, teach or suggest all of the

features recited in combination in the rejected claims. For example, the cited prior art, analyzed individually or in combination, fail to disclose, teach or suggest the claimed method including “transmitting, on a shared channel on which at least one receiver receives, data packets provided with a training sequence, **wherein data packets addressed to at least one of different receivers and different receiver groups are provided with different training sequences,**” (as recited in claim 35 and its dependent claims), the claimed communication system including “wherein the at least one transmitter transmits, on a shared channel, data packets provided with a training sequence, on which channel the at least one receiver receives the data packets, generates a channel estimate on the basis of the training sequence, **processes received data packets having a training sequence that the at least one receiver identifies, and ignores received data packets having a training sequence that the at least one receiver does not identify,**” (as recited in independent claim 52 and its dependent claims), the claimed transmitter in a communication system, characterized in that “the transmitter is arranged to transmit on the shared channel **data packets addressed to different receivers or receiver groups with different training sequences,**” (as recited in independent claim 68 and its dependent claims).

As explained in the remarks of the Amendment filed July 6, 2005, all appealed rejections are based on an erroneous interpretation of the information messages carried in Haartsen’s BCH SB include status and identity information related to the transmitting private base station” (see Response to Arguments at page 9 of April 19, 2005 Office Action). Simply put, in Haartsen’s synchronization, information specific to the transmitter is transmitted whereas, in the claimed invention, identification information (i.e., the training sequence) is specific to the receiver. More particularly, in accordance with the claimed invention, receivers are identified using different training sequences.

As explained repeatedly throughout the prosecution of this application, the frequency correction burst and the synchronization burst formats utilized by Haartsen are merely those used in the GSM System. However, based on evidence previously submitted (in conjunction with Appellants’ December 2, 2004 Response), the structure for such synchronization bursts requires use of one unique training sequence; this requirement is necessary to enable a mobile station to know the sequence chosen by the base station. As for frequency correction bursts, evidence has been submitted that all of its 148 bits are set to “0”. Thus, based on an informed understanding of Haartsen, that reference clearly fails to teach any variability in frequency correction bursts. Therefore, in Haartsen, all synchronization and frequency correction bursts

are transmitted with only one type of training sequence (i.e., synchronization bursts are predefined, frequency correction bursts are all zeros) (see also Figures 3 and 4 and the specification passage at page 4, lines 25-47 of Haartsen).

Appellants further submit that that the Office's interpretation of Haartsen's use of FB and SF pairs is contrary to the teachings of Haartsen because frequency correction bursts and synchronization burst are separate bursts and each of them has a training sequence of its own. Because there is no variability for either the synchronization or frequency bursts, a frequency correction burst/synchronization burst pair has no common "training sequence" that would be different from a training sequence of any other pair. Therefore, Appellants submit that Haartsen fails to disclose, teach or suggest the claimed subject matter wherein data packets addressed to at least one of different receivers and different receiver groups are provided with different training sequences.

Leung and Mouldsley fail to remedy this deficiency of Haartsen. Therefore, the combined teachings of the cited prior art fail to teach or suggest all the features in the rejected claims.

CONCLUSION

Therefore, it is respectfully requested that the panel return a decision concurring with Applicant's position and eliminating the need to file an appeal brief because there are clear legal and/or factual deficiencies in the appealed rejections. Specifically, the subject matter recited in claims 35-73 is not anticipated or rendered obvious from the teachings of Haartsen, analyzed individually or in combination with Leung and Mouldsley. Thus, all pending claims 35-73 are allowable.

Respectfully submitted,

PILLSBURY WINTHROP
SHAW HITTMAN LLP

By: 

Christine H. McCarthy
Reg. No.: 41,844
Tel. No.: (703) 905-2143
Fax No.: (703) 905-2500

Date: August 23, 2005

P.O. Box 10500
McLean, VA 22102
(703) 905-2000



Addendum

Invention Title:

METHOD OF IDENTIFYING INFORMATION ADDRESSED TO A USER IN A
COMMUNICATION SYSTEM, AND A COMMUNICATION SYSTEM